

1 ROBERT J. YORIO (SBN 93178)
2 ryorio@carrferrell.com
3 V. RANDALL GARD (SBN 151677)
4 rgard@carrferrell.com
5 CHRISTOPHER P. GREWE (SBN 245938)
6 cgrewe@carrferrell.com
7 CARR & FERRELL LLP
8 2200 Geng Road
9 Palo Alto, California 94303
10 Telephone: (650) 812-3400
11 Facsimile: (650) 812-3444

12 *Attorneys for Plaintiff*
13 MARK L. MCHUGH

14 LAURA A. WYTSMA (SBN 189527)
15 lwyttsma@loeb.com
16 ULESES C. HENDERSON, JR (SBN 225246)
17 uhenderson@loeb.com
18 LOEB & LOEB LLP
19 10100 Santa Monica Boulevard, Suite 2200
20 Los Angeles, California 90067-4120
21 Telephone: (310) 282-2000
22 Facsimile: (310) 282-2200

23 *Attorneys for Defendant*
24 HILLERICH & BRADSBY CO.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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1 Plaintiff/Counterclaim Defendant Mark L. McHugh ("Plaintiff" or "McHugh") and
2 Defendant/Counterclaimant Hillerich & Bradsby Company ("Defendant" or "H&B") jointly submit
3 this Supplemental Joint Case Management Statement pursuant to Judge White's Civil Minute Order
4 of January 18, 2008. Plaintiff and Defendant are collectively referred to herein as the "Parties."

5 This Supplement Joint Case Management Statement incorporates and supplements the Initial
6 Joint Case Management Statement and [Proposed] Order, submitted January 11, 2008, and Judge
7 White's Civil Minute Order of January 18, 2008.

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9 **12. SETTLEMENT AND ADR**

10 An Early Settlement Conference before Magistrate Judge Laporte occurred on March 21,
11 2008 ("Settlement Conference") pursuant to the Notice of Settlement Conference and Settlement
12 Conference Order of January 28, 2008, the Notice of Continuance of Settlement Conference, dated
13 February 4, 2008, and pursuant to Judge White's Civil Minute Order of January 18, 2008. The
14 Parties participated in the Settlement Conference in good faith but were unable to reach an agreement
15 regarding a settlement. Based on the current positions of the Parties, the Parties believe that a further
16 settlement conference prior to the issuance of a claim construction ruling of certain claim terms in the
17 asserted claims of U.S. Patent No. 5,806,091 (the "'091 Patent") would not serve the interests of the
18 Parties at the present time.

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20 **17. SCHEDULING**

21 Pursuant to Judge White's Civil Minute Order of January 18, 2008, the Court adopted the
22 Parties' claim construction schedule set forth in the Parties' Joint Case Management Statement and
23 [Proposed] Order, submitted January 11, 2008, with the following changes:

24 Claim Construction Tutorial: August 19, 2008 at 2:00 p.m.;

25 Claim Construction Hearing: August 26, 2008 at 2:00 p.m.

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1 Pursuant to Judge White's Civil Minute Order of January 18, 2008, the claim construction
 2 briefing schedule is set as follows:

3 Event	4 Currently Scheduled Date
5 Plaintiffs serve Opening Claim Construction Brief (Patent L.R. 4-5(a))	6 July 3, 2008
7 Defendant serves Responsive Claim Construction Brief (Patent L.R. 4-5(b))	8 July 17, 2008
9 Plaintiffs serve Reply Claim Construction Brief (Patent L.R. 4- 5(c))	July 28, 2008

10 Plaintiff proposes and requests (which Defendant does not oppose) that the Court modify the
 11 claim construction briefing schedule by one week as follows:

12 Event	13 Proposed Date
14 Plaintiffs serve Opening Claim Construction Brief (Patent L.R. 4-5(a))	15 July 10, 2008
16 Defendant serves Responsive Claim Construction Brief (Patent L.R. 4-5(b))	17 July 24, 2008
18 Plaintiffs serve Reply Claim Construction Brief (Patent L.R. 4- 5(c))	August 4, 2008

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20. OTHER MATTERS

The Parties do not have any additional issues to address with the Court at this time.

Respectfully submitted,

Dated: April 11, 2008

CARR & FERRELL LLP

By: /s/ Christopher P. Grewe
ROBERT J. YORIO (SBN 93178)
ryorio@carrferrell.com
V. RANDALL GARD (SBN 151677)
rgard@carrferrell.com
CHRISTOPHER P. GREWE (SBN 245938)
cgrewe@carrferrell.com
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, California 94303
Telephone: (650) 812-3400
Facsimile: (650) 812-3444

Attorneys for Plaintiff
MARK L. MCHUGH

Dated: April 11, 2008

LOEB & LOEB LLP

By: /s/ Laura A. Wytsma
LAURA A. WYTSMA (SBN 103711)
lwytmsa@loeb.com
ULESES C. HENDERSON, JR.
uhenderson@loeb.com
LOEB & LOEB LLP
10100 Santa Monica Boulevard, Suite 2200
Los Angeles, Ca 90067
Telephone: (310) 282-2000
Facsimile: (310) 282-2200

Attorneys for Defendant and Counterclaimant
HILLERICH & BRADSBY CO.

CASE MANAGEMENT ORDER

The Supplemental Joint Case Management Statement and Proposed Order is hereby adopted by the Court and the Parties are ordered to comply with this Order. In addition the Court orders:

Dated: _____

HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

GENERAL ORDER 45 ATTESTATION OF SIGNATURES

I, Christopher P. Grewe, attest that the concurrence in the filing of this document has been obtained from the other signatory, which shall serve in lieu of her signature.

By: /s/ Christopher P. Grewe
CHRISTOPHER P. GREWE